IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13348 of 2004

Between:

Vanigalla Suguna W/o Late V.Radhakrishna Murthy,Ex-Attender,APSRTC. Nallakunta, Hyderabad

..... PETITIONER

AND

1 AP. State Road Transprot Corporation rep. by its Depot Manager, Vijayawada
2 The Presiding Officer Labour Court, Guntur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly a writ of Mandamus declaring the order passed in I.A.No.170/2003 in I.D.No.60/2001 on the file of the 2nd Respondent dated. 24/05/2004 as illegal and ultra vires to the provisions of Article 14 and 21 of the Constitution of India directing him to decide I.D.No.60/2001 on merits.

Counsel for the Petitioner: MR.V.S.R.ANJANEYALU

Counsel for the Respondent No.1: MR.P.VENKATESWARLU ,SC for APSRTC

Counsel for the Respondent No.2: G.P for Labour

The Court made the following :

ORAL ORDER

The petitioner is a former Attender in A.P. State Road Transport Corporation-first Respondent herein. She was terminated from service on the ground that she produced false X Class certificate. She approached the Labour Court, Guntur through I.D.60 of 2001 questioning the order of termination. It is further represented that when the petitioner failed to attend before the Labour Court, Guntur for enquiry on 13-05-2003, it was dismissed for default. She made an application covered by I.A.170 of 2003 to set aside the default order, but, the Labour Court, Guntur passed an order on 24-05-2004 dismissing the said petition. The petitioner, therefore, approached this Court to issue a Writ of Mandamus to declare that the order passed by the Labour Court, Guntur, dated 24-05-2004 as illegal and *ultra vires* and to direct the Labour Court, Guntur to give her an opportunity to adduce evidence and to get an order on merits.

Heard both sides.

Keeping in view of the circumstances explained by the petitioner, the order of the Labour Court, Guntur dated 24-05-2004 passed in I.A.170 of 2003 in I.D.60 of 2001 is set aside. The Labour Court, Guntur is directed to restore I.D.60 of 2001 to its original file, give an opportunity to the petitioner and the respondent and conduct an enquiry and pass appropriate orders on merits.

Accordingly, the writ petition is disposed of at the stage of admission. No order as to costs.

_____

2nd AUGUST 2004

*TSNR

TO

1. The Depot Manager, APSRTC, Vijayawada
2. The Presiding Officer, Labour Court, Guntur
3. Two CCs to G.P for Labour,High Court ofA.P.Hyderabad(OUT)
4. Two C.D. Copies